



**A Work Session &
 The Regular Meeting of the
 Brian Head Town Council &
 A Special Joint Meeting with the
 Brian Head Planning Commission &
 Brian Head Special Service District
 Town Hall Council Chambers
 56 N. Hwy 143, Brian Head, UT 84719
 TUESDAY, JUNE 14, 2011 @ 10:00 A.M.**

AGENDA

WORK SESSION OF THE TOWN COUNCIL 10:00 AM

1. REVIEW OF THE 2011-2012 TOWN BUDGET

TOWN COUNCIL / PLANNING COMMISSION JOINT MEETING

A. CALL TO ORDER 1:00 PM

B. PLEDGE OF ALLEGIANCE

C. DISCLOSURES

D. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

E. BRIAN HEAD PLANNING COMMISSION JOINT MEETING AGENDA ITEMS:

1. TOWN COUNCIL APPROVAL OF THE DESIGN FOR THE PUBLIC SAFETY BUILDING. The Council will consider the approval of the proposed design for the public safety building as owners of the project.

2. PLANNING COMMISSION DESIGN REVIEW OF PUBLIC SAFETY BUILDING PROJECT. The Planning Commission will review the proposed design for the public safety building and give their recommendations to the owners (the town).

3. ADJOURNMENT OF THE PLANNING COMMISSION

• BRIAN HEAD REDEVELOPMENT AGENCY MEETING

(SEE RDA AGENDA FOR DETAILS)

F. TOWN COUNCIL & SPECIAL SERVICE DISTRICT JOINT MEETING

G. CALL TO ORDER THE JOINT MEETING OF THE BRIAN HEAD SPECIAL SERVICE DISTRICT & TOWN COUNCIL

H. APPROVAL OF THE MINUTES:

1. May 24, 2011 Town Council Meeting
2. June 02, 2011 Town Council Special Meeting
3. April 26, 2011 Special Service District Meeting

I. AGENDA ITEMS:

1. SPECIAL SERVICE DISTRICT ACTION: PROPOSED RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT WITH THE TOWN OF BRIAN HEAD, UTAH REGARDING AN AMENDED AND RESTATED WATER RIGHTS LEASE; AND AUTHORIZING A WATER RIGHTS LEASE AGREEMENT WITH ROBERTS BROTHERS DAIRY. Matt Jensen, Town Attorney. The Board will consider a resolution authorizing an amendment to the interlocal agreement between the SSD and the Town and to authorize the Chairperson to sign a lease agreement with Roberts Brothers Dairy.

J. ADJOURNMENT OF THE SPECIAL SERVICE DISTRICT

REGULAR MEETING OF THE BRIAN HEAD TOWN COUNCIL

2. PROPOSED RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT WITH THE TOWN OF BRIAN HEAD, UTAH REGARDING AN AMENDED AND RESTATED WATER RIGHTS LEASE; AND RELATED MATTERS. Matt Jensen, Town Attorney. The

Council will consider a resolution amending an interlocal agreement between the town and Special Service District for water right leasing.

- 3. INTRODUCTION TO THE PUBLIC HEARING FOR THE AMENDMENT OF THE 2010-2011 TOWN BUDGET.** Bryce Haderlie, Town Manager. Bryce will give a brief explanation on the 2010-2011 Town Budget being proposed for adoption for the public's benefit.

- 4. PUBLIC HEARING ON THE 2010-2011 BRIAN HEAD TOWN BUDGET ENDING JUNE 30, 2011.** The Council will receive public comment on the proposed 2011-2012 Town Budget. Comments are limited to three minutes and written comments may be submitted to the Town Clerk no later than Monday, June 13, 2011 by 5:00 p.m.

- 5. PROPOSED ORDINANCE ADOPTING THE 2011-2012 BRIAN HEAD TOWN BUDGET ENDING JUNE 30, 2012.** Cecilia Johnson, Town Treasurer. The Council will consider the adoption of the 2011-2012 Town Budget ending June 30, 2012.

- 6. USDA PARTIAL PAY REQUESTS FOR MAY, 2011. Chet Hovey, Town Engineer.** The Council will approve the May, 2011 Partial Pay Requests for USDA for water system improvements.

- 7. CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE PUBLIC SAFETY BUILDING.** Bryce Haderlie, Town Manager. The Council will consider the approval of the contract for the Construction Manager At Risk for the Public Safety Building Construction.

- 8. PROPOSED ORDINANCE AMENDING THE BRIAN HEAD TOWN BIDDING PROCEDURES.** Bryce Haderlie, Town Manager. The Council will consider a proposed ordinance amending the bidding procedures for Brian Head Town.

- K. CLOSED SESSION OF THE TOWN COUNCIL TO DISCUSS SALE, LEASE OR EXCHANGE OF REAL PROPERTY.**

L. ADJOURNMENT

Dated the 10th Day of June, 2011

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 10th day of June 2011 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk

**A Work Session of the
Brian Head Town Council &
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
TUESDAY, JUNE 14, 2011 @ 10:00 A.M.**

Roll Call.

Members Present: Mayor H.C. Deutschlander, Council Member Stewart Fausett, Council Member Hans Schwob, Council Member Jim Ortler.

Members Excused: Council Member Linda Ames.

Staff Present: Bryce Haderlie, Nancy Leigh, Cecilia Johnson, Tom Stratton, Gary Bulloch, Wendy Dowland

WORK SESSION OF THE TOWN COUNCIL**10:05 AM****1. REVIEW OF THE 2011-2012 TOWN BUDGET**

Bryce Haderlie, Town Manager, presented the draft 2011-2012 town budget (see attached). Bryce explained the Council requested a work session to review the 2011-2012 prior to adoption. The Council then reviewed the budget with the following comments/changes to be implemented:

1. Bryce reported the proposed budget does not identify an expenditure of \$47,000.00 for the town contribution towards the Community Impact Board loan for the public safety building and will need to be included. Bryce explained the town's contribution towards the CIB loan is \$100,000.00 and the tow has already paid \$53,000.00 towards the public safety building. **The consensus of the Council:** \$47,000.00 will be identified in the Capital Projects for the 2011-2012 budget.
2. Discussion was held on the salvage/removal of the existing public safety building and where the funds will be identified. Bryce reported there is \$10,000.00 identified in the Pendleton Building contract for removal of the building, but will speak with the town attorney and financial advisor later in the meeting regarding this item.
3. The town has not yet received the Certified Tax Rate from the County Auditor's office. Discussion was held regarding what the assessed value was for Iron County and the possible impact on Brian Head's property values. Council Member Ortler stated the Council's role should be an advocate to protect the Brian Head citizens and property owners from an unfair burden. Council Member Ortler commented the Council needs to review the number first before a decision is made. If it appears that it is inequitable, then have a discussion with the County Assessor and if that fails, then the Council should consider hiring an outside source to compare the data in order to protect the property owners who are paying for a second home and do not have a vote.
4. Bryce reported Brian Head has identified 3.946 million in new growth and could be an additional \$11,000.00 in revenue, but would balance out with the redemption from last year in which more people paid their delinquent property taxes, which could be a wash. Council Member Ortler explained the new growth is a delay in recognizing the growth that happened several years ago. Such as White Bear Condos that did not have their occupancy permit until recently along with other projects and homes that were finished last year.
5. **Sales Tax Revenue GL#3130.** Discussion was held on the "Hold Harmless" agreement the town currently has with the State in which the town receives \$127,000.00 annually until 2013. Council Member Ortler reminded the Council the town has two years to prepare for the reduction in sales taxes without the hold harmless agreement.
6. **Visitor Services Retail Fee Revenue GL# 3220:** Council inquired as to the amount of revenue identified in the shuttle fee revenue and the probability of the town receiving the total amount. Staff will research the past two years to determine if the delinquent businesses and the 2nd quarter of 2011 will be sufficient to leave the revenue as stated in the budget.
7. **Building Permit Fee Revenues: GL#3221.1/3221.2/3221.3.** Council inquired as to what the staff believes the town will collect in building permit fees. Council Member Ortler recommended the budget be modified to reflect one-half of the current proposed revenue for Building Permit Fees GL#3221.1 be reduced to \$8,000.00 and Plan Check Fee Revenue GL# 3221.2 be reduced to \$3,500.00 and Other Building Permit Fees GL# 3221.3 will remain at \$800.00.
8. **Class C Road Funds GL#3356.** Discussion was held regarding Cecilia's memo to increase the revenue line to \$42,000.00. Council Member Fausett requested staff provide documentation that is independent of the memo that was presented. Council Member Fausett explained he would like to see what the original amount was and then identify the new number in order to compare numbers.
9. **Capital Projects Fund, Police Public Safety Vehicle GL# 46-4210.710.** Gary Bulloch, Public Safety Director, explained the department has the opportunity to lease vehicles for a two year government lease program in which the department will receive a new vehicle every two years regardless of mileage. The program includes the installation of lights, radios and all necessary equipment for the vehicle at a cost of \$5,500.00 per year/per vehicle.

Gary explained the Council identified \$29,000.00 from the budget retreat to purchase a new vehicle, but believes this program would benefit the town. Discussion was held regarding the town's change in policy for this budgeted item and the need to move away from the Dodge brand due to the costly repairs of the vehicles. Council Member Ortler stated the public perception of the entire public safety department receiving new vehicles in one year could be negative, along with turning the vehicles in every two years; other departments would not receive retired police vehicles which have been the town's policy. Bryce responded staff can create a spreadsheet of the maintenance costs and the potential savings of the leasing program and inform the public of how much the town can save by going to a different program than in the past.

Council Member Hans requested firm figures from the dealer on the leasing program and bring back to Council. The **consensus of the Council** was to direct staff to pursue the leasing program, but will report back to the Council once the amount has been verified.

10. **Wildland Fire Fund:** GL#17-4220.110 wages. Discussion was held on the expenditure of wages, but no equipment fees (GL#10-4220.250) have been identified. Gary reported the wildland fund was to transfer \$15,000.00 to the general fund for the expenses of the public safety building. Gary then gave a brief history of the revenue the town receives from wildland firefighting. Council directed staff to transfer \$15,000.00 from the wildland fire fund to the general fund for the public safety building project. Staff will review the Wildland Fire Fund to determine if other transfers will need to be made prior to June 30, 2011. Gary reported that approximately \$30,000.00 from the wildland fund has been paid towards the public safety building project. Council Member Schwob requested documentation be specific as it applies towards the public safety building project
11. Gary gave an update on the acquisition of a water tender truck for the public safety and public works department. Gary explained there was misinterpretation on the training requirements for the AARF vehicle and Brian Head has certified drivers for the vehicle and would like to present the vehicle acquisition again to the Council for approval. The vehicle is free to the town and the town would be reimbursed for any wildland fires that it is taken to. There was discussion on the transportation of the vehicle in which a low boy trailer would need to be used for transporting the vehicle to and from fires, but the agencies requesting the vehicle would send a semi and trailer to transport until the town acquires one, in which the town would be paid for the transportation of the AARF vehicle to and from fires. Gary reported he will present the request to the Council at the next regular meeting of the Council.
12. **Steam Engine Meadows SID fund:** Discussion was held on the amount the town is obligated to pay for the eight lots that were recently acquired for the annual SID assessment. Staff will verify with Cody Deeter, financial advisor on the assessment.
13. **Municipal Building Authority Fund.** Council Member Ortler inquired as to why the MBA has not identified the public safety building in the proposed budget. Bryce reported that it is a capital project until the project is completed then it will be moved into the MBA.
14. **Debt Service Fund:** Discussion on the interest for the debt service fund GL# 3610 being proposed for \$1,000.00 and last year was identified at \$1,300.00 Consensus of the Council: increase GL# 3610 (interest) to \$1,500.00.
15. **Snowmaking Lease:** Council Member Ortler inquired as to why no actual transfer has been made to the snowmaking fund. Bryce explained the town recently purchased a section of waterline from the resort for the IMG Mammoth water tank and the town has taken over \$13,000.00 towards to the bond payment for the purchase price. Cecilia will follow-up with the resort on the remaining payments to the town for the snowmaking bond that is due September 01, 2011.
16. **Capital Projects: Public Safety Building GL#46-4220.720.** Discussion was held regarding the CIB loan the town is anticipating for the public safety building in the amount of 2.6 million dollars and the town contribution towards the CIB loan.
17. **Water Fund:** GL#3749 Resort Pumping Fee. Cecilia reported she has changed the name of the GL# from the bad debt to the resort pumping fee. Cecilia reported she and Wendy will need to research to determine if there are bad debts the Council will need to write off for the 2011 year and will need to adjust for the revenue accounts to compensate for the bad debt write offs. Staff will present to Council at a later date.
18. **Sewer Fund:** Council Member Ortler inquired about the Village Way sewerline project. Tom Stratton, Public Works Director, responded the project is one of the projects submitted to USDA for a loan/grant. USDA has approved the sewer projects and will be ready to fund seven million dollars in 2011. Other projects include the Special Assessment Area (SAA) that was proposed in Ski Haven Chalet subdivision. Tom reported he will present the USDA loan to Council at the next regular meeting on June 28, 2011.
19. **Solid Waste Fund:** Discussion was held regarding the installation of a signage/banner on the garbage truck to promote Brian Head as a recreation resort. Consensus of the Council: Staff will propose some advertisement options to the Council on recycling and Brian Head activities at the next Council meeting.

20. Mayor Deutschlander inquired if the town has received payment from Parowan City for the dumpsters they are currently using. Tom reported Parowan has not yet paid for the five dumpsters, but staff will follow-up with Parowan City for payment of the dumpsters.
21. Mayor Deutschlander inquired as to the status of the report identifying wages and benefits for the town full-time employees to be submitted to Council for review. Bryce presented a benefit comp survey from other communities identifying the Town Manager, Public Works Director and Public Safety Directors benefits (see attached). Bryce went on to report the comp survey may not be totally accurate if municipalities do not update their information on the site. **Council directed staff** to complete a report identifying the total cost each full-time employee including their benefits such as insurance and the town contribution towards their 401K plan and bring back to Council for review.

Mayor Deutschlander recessed the work session of the Town Council at 12:10 p.m. for lunch.

The Regular Meeting of the Brian Head Town Council & A Special Joint Meeting with the Brian Head Planning Commission & Brian Head Special Service District

Members Present:

Town Council: H.C. Deutschlander, Stewart Fausett, Jim Ortler, Hans Schwob, Linda Ames

Planning Commission: Betty Phelan, Doug Deutschlander, Clayton Calloway, Larry Freeberg, Mac Hatch, Todd Stowell (Town Planner).

Members Absent: Troy Katwyk, Planning Commission Chairperson.

Staff Present: Bryce Haderlie, Nancy Leigh, Tom Stratton, Gary Bulloch, Wendy Dowland, Cecilia Johnson, Eric Johnson (Town Attorney), Cody Deeter (Financial Advisor), Chet Hovey (Town Engineer)

A. CALL TO ORDER

Mayor Deutschlander called the joint meeting of the Brian Head Town Council and Planning Commission to order at 1:04 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council, Commission and others in the Pledge of Allegiance.

C. DISCLOSURES

- Commissioner Deutschlander stated he may have a potential conflict of interest with today's agenda item E-2, Public Safety Building Design Review, in which he is a volunteer firefighter for Brian Head.
- Commissioner Phelan stated she may have a potential conflict of interest with agenda item E-2, Public Safety Building Design Review, in which she is a volunteer firefighter for Brian Head.

There were no other conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

D. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Mayor Deutschlander

1. Received a scoping notice from the Forest Service on the Red Desert-Tippets Revegetation plan. Mayor Deutschlander recommended staff draft a letter of support on behalf of the town and the letter make comments to the proposed prescribed burns. Mayor Deutschlander suggested the Council authorize him to sign the letter of support. **Consensus of the Council:** Direct staff to draft a letter of support for the revegetation of the Red Desert-Tippets area as being proposed by the Forest Service in their scoping notice dated May 31, 2011.
2. Former Senator Bennett's annual Rural Utah Conference will be held this August. Those interested in attending, early registration expires June 30, 2011 at a cost of \$90.00. After July 1, 2011, the registration fee is \$105.00 to \$175.00. Please contact Bryce Haderlie, Town Manager, for further information on the conference.
3. Mayor Deutschlander commented on the upcoming summer season in which numerous mountain bikers will be on the mountain. Mayor Deutschlander requested staff install the appropriate signage along the roads in order to prevent accidents.

Bryce Haderlie, Town Manager

1. Brian Head Resort rescheduled their Fam Tour for June 30, 2011 which is when the town clean-up day was scheduled. Staff will be rescheduling the town clean-up day and will notify residents and others who are interested in participating. Brian Head Resort will also be conducting a chair-lift rescue training on June 30, 2011.

2. Will be out of the office this Thursday and Friday, June 16th & 17th. Tom Stratton, Public Works Director, will be the interim Manager during his absence.

Tom Stratton, Public Works Director, updated the Council on the status of the OHV trail along highway 143 from the Dry Lakes entrance to Second Left Hand Turn in Parowan Canyon. Tom reported Utah Department of Transportation (UDOT) is favorable to this temporary trail until the OHV trail leading from the south end of Brian Head towards Sydney Valley is completed.

Cecilia Johnson, Town Treasurer, invited the Council and public to the first annual Brian Head Arbor Day tree planting ceremony scheduled to begin after today's Council meeting. The tree planting ceremony will be at the Town Pavilion.

BRIAN HEAD PLANNING COMMISSION

JOINT MEETING AGENDA ITEMS:

1. TOWN COUNCIL APPROVAL OF THE DESIGN FOR THE PUBLIC SAFETY BUILDING.

Council's approval of the proposed design for the public safety building as owners of the project.

Bryce Haderlie, Town Manager, explained the Land Management Code (Section 8.3) process for a design review. Bryce explained the Council's role today is to approve the conceptual design of the proposed building as owners of the project and in order to save time and money. Staff scheduled a joint meeting with the Planning Commission so the Architect can present the project one time and after the approval of the Council, the Planning Commission will review the design and give their recommendations.

Bryce reported the Planning Commission is responsible for design review of this project and it will be the only time in which the Planning Commission will approve the project. Bryce went on to explain the Council will be reviewing the construction of the project as it progresses, but this particular project has been put on a "fast-track" process.

Kim Campbell, Architect, presented a power point presentation and drawings (see attached drawings) of the proposed building project which included the following items:

1. Site plan of the project.
2. Conceptual elevation of what the building will look like.
3. A floor plan was included, but not necessary at this stage in the process.
4. The building is identified in four segments: Quadrant #1: Fire bay location. Quadrant #2: Fire department offices with the parking lot. Quadrant #3: Area above quadrant #2 – the upper story for meeting and training rooms which will have the access located from upper Vasels Road. Quadrant #4: Area above the fire bays in which the police area is located. Access will be from upper Vasels Road with a separate entrance.
5. The transformer, generator and dumpsters will be located on the lower portion of Vasels road on the north side of the building. There are no screen walls surrounding the area due to snow removal issues, but have identified bars around them in order to protect them.
6. Parking meets the LMC requirements in which there are 25 parking stalls that are 10'x20'. There are two separate parking areas: lower area
7. Snow Storage is identified at 20% of the hard surfaces. Snow storage is identified across lower Vasels Road which is also town property.
8. Undisturbed area is at 11.8% of the required 20% required for a multi-family residential zone. The town will be going through a zone change to change from multi-family (R-3) to Civic, which has a lower undisturbed area requirement.
9. The existing building coverage was 50% of the lot area. The new building is at 22% of the total property area.
10. Landscaping and screening: Will be a mixture of wildflowers and grasses. There will be use of trees in the area in order to screen between the parking lots and in front of the building. There are site constraints on the existing property that will need to be taken into consideration.
11. Water retention/detention: The property slopes to the front of the building and will need to be determined by the town on whether it would be underground or across the street.
12. Retaining walls: There will be terracing between the lower and upper levels of the building. There is a 18' drop between the upper and lower roads. The retaining walls have been suggested to be constructed out of natural stone instead of concrete. The walls will be less than four feet and will not need to be engineered. A foam is being proposed to be included with the cement for the backfill in order to be cost efficient.
13. Concrete pads in front of the doors have been proposed with an asphalt parking lot.
14. There will be one stairwell outside of the building which will be made of Trex material with handrails.
15. Exterior Elevation of the building: An Alpine type of architecture which is the Craftsman style. The building materials will be a pre-color concrete block which is subject to abuse and extreme weather. The exterior walls will have a hardy board and the area directly below the roof on the north and south side of the building will have hardboard shingles and can be painted any color and is pre-primed and will have rustic look to them.

16. The roof is being proposed for a double roof system in order to hold the snow on the roof as per the LMC. This type is constructed to keep the ice off the roof. The roof is a 5-12 pitch and will have ice clips and ice rails to keep the snow on the roof. The roof will have a gutter system installed with heat tape.

The Council and Commission then held discussion on the following items:

1. Snow storage: Discussion was held regarding whether the undisturbed area could also be identified for snow storage, which will bring the snow storage to over 20% of the hard surfaces, as long as the vegetation is not disturbed from the snow storage. Commissioner Freeberg commented the existing area on the property identified for snow storage is at 15% and believes the undisturbed area would be disturbed if snow storage was identified for those areas and does not believe it meets the snow storage requirement unless the snow is stored across the road that is located away from the property.
2. Location of the transformer, dumpster and generator: Whether those items would constitute an accessory building if it had a shroud on it. The requirements for an accessory building require screening.
3. Commissioner Freeberg suggested the town consider the possibility of utilizing a natural gas generator vs. a diesel generator in order to reduce the noise pollution
4. Commission Phelan inquired if the stairwell located on the east side of the building could be converted to a ramp instead. Mr. Campbell responded the requirements for the length of an ADA ramp would not be feasible for this project.
5. Whether the exposed area of the bay door could be insulated. Mr. Campbell responded that materials such as epoxy paint with ridging on the walls next to the doors will be applied.
6. Ms. Joan Mortensen, business owner, commented on the proposed roof line design and her concerns that the snow will shed from the roof in front of the fire bays in which the fire engines will not be able to get out of the building. Ms. Mortensen suggested the roof identify valleys instead of the proposed design of holding the snow on the roof.
7. Commissioner Calloway commented the town would need to evaluate the liability risk if the snow slid from the roof preventing the fire trucks from exiting the building which could be a life or death situation. Commissioner Freeberg suggested the town use administrative controls to help reduce the risk of having snow pile up in front of the bays. The town's snow removal policy identifies the fire station as a first priority for snow removal. Bryce Haderlie, Town Manager, explained he could contact the Solitude area for their studies on snow clips and rails and what their experience has been for roof sliding.
8. Commissioner Freeberg inquired as to the 20' setback requirements that are identified in the LMC.

The Town Council's vote was taken after the Planning Commission's vote.

Motion: Council Member Ortler moved to accept and concur with the Planning Commission's recommendation. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).**

2. PLANNING COMMISSION DESIGN REVIEW OF THE PUBLIC SAFETY BUILDING. A review of the proposed design for the public safety building and give their recommendations to the owners (the town).

Bryce Haderlie, Town Manager, reviewed the LMC, Section 8.3, for a design review. Bryce explained the Planning Commission would identify areas of concern and determine if it is a violation of the LMC for the proposed project. Commissioner Freeberg inquired if the Planning Commission is approving the conceptual design instead since he believes there is not enough information provided for a design review. Commissioner Freeberg inquired if the geo studies have been completed for the site. Bryce reported that due to weather conditions, staff has been unable to access the site at this time.

Bryce explained the Council, as owners, will be the body that will be making the decisions for the inside of the building and the Planning Commission is to give their recommendations to the owners on the project as they give a general view of the design and whether it meets requirements in the LMC. Wendy Dowland, Planning Commission Secretary, suggested the Commission review the project as a conceptual design instead of a design review due to the criteria listed for review in the LMC.

Commissioner Calloway stated that according to the design review table (LMC 4.3) under conceptual plans. There are 15 out of the 35 items on the list that meet the LMC at this time and stated the Commission does not have enough information at this time to give their recommendation on the project.

Bryce explained the project is currently identified as a "fast-track" project and the plan presented today is a concept of what the building will look like. Under the normal procedure for a project, more refined drawings would be presented as a schematic review. Bryce suggested the Planning Commission could be subject to further review of the project for LMC compliance.

Bryce requested the Town Council and Planning Commission give a consensus to allow the staff and the design team to move forward with the project and if the Commission and Council agree the project is heading in the right direction. Bryce went on to explain that more information will be brought forward to determine if the project is in compliance with the LMC. Mr. Campbell explained the presentation is a conceptual design and the working drawings have not yet been started.

Commissioner Deutschlander suggested the Commission review the project for future approval when more information and plans are available.

Council Member Ames stated her concerns regarding the status of the town's budget and the potential impact of this project if the issues that have been identified that do not meet the LMC requirements and their potential cost to the town if it is not covered the contract. Council Member Ames commented that a landscaping plan was not identified and the cost of diverting water underground and the cost of furnishing the building were not identified in the contract. Bryce responded that Pendleton Building has gone through the contract without a lot of details identified in the contract, but that it may not be specifically identified in the budget, but understands that these items are to be included in the cost and part of the process. The town will have the ability to choose certain items in which costs for those items can be a deciding factor in the project; Pendleton eliminated \$80,000.00 out of the contract which identified furnishings.

Council Member Ortler inquired if the Planning Commission is satisfied with the following items proposed in the building:

1. Parking: Commissioner Calloway inquired to the meeting room and what the maximum number of seating identified for the project. Bryce responded the meeting room identifies 100 seats, Mr. Pendleton reported the current plan shows 82 seats at this time. 25 parking spaces are required. The project shows 16 on the upper parking lot and 12 on the lower parking area. Consensus of the Planning Commission: parking meets the LMC requirements.

2. Undisturbed land: The project shows 11.8% of undisturbed area. **Consensus of the Planning Commission:** 11.8% of undisturbed area is acceptable for the project.

3. Snow storage: If the town identified snow storage across the lower portion of Vasels Road towards the meadow area along with the identified areas located on the property. **Consensus of the Planning Commission:** Agree with the snow storage plan with storage identified across the lower portion of Vasels Road.

4. Overall design concept of the building for Brian Head: **Consensus of the Planning Commission:** agree with the concept of the building and commented the town is heading in the right direction.

The following are the Commission's concerns/recommendations:

1. The double roof design and suggested the town identify a ridgecap design which has worked in Brian Head.
2. Some of the snow storage is distributed across the terrace walls.
3. Eliminate the gutter from the roof due to snow shedding issues.
4. Suggested the town use a galvanize walkway instead of Trex material. Bryce responded that galvanized would not meet the building code with the surface of the metal.
5. Water retention/detention is identified across the street, but the LMC identifies the retention be identified on the property. Bryce explained the retention could be identified underground, but the General Plan identifies water ways and water features as a preferred course.
6. Suggested the town consider locating the generator across the street on the lower portion of Vasels Road instead of next to the building.
7. If the generator was allowed within the setbacks, since it is not identified in the LMC.
8. Referenced LMC Section 12.14.6.3: parking stall access for one-half of the upper parking area is identified in the town's right-of-way. Commissioner Calloway inquired if the town would allow a private individual/developer to do the same thing for parking? Bryce responded the vehicles would cross over the property line onto the right-of-way, but there is 25' of backing area in which to face the vehicle forward towards the road.
9. Concerns regarding pedestrian traffic with the upper parking on Vasels Road.
10. The building is currently one foot over the maximum height requirements. Bryce responded the town will be seeking an amendment to the height restriction in the LMC scheduled for the next Planning Commission meeting on June 21, 2011 and the June 28, 2011 Town Council meeting for adoption.

Motion: Commissioner Deutschlander moved to approve the conceptual concept design of the public safety building pending the changes to the pending zone changes and LMC amendment to height restrictions and the complete plans for the design review be brought forward for final review and approval. Commissioner Calloway seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote:** Vice Chair Phelan, Commissioner Deutschlander, Commissioner Freeberg, Commissioner Hatch, Commissioner Calloway. **Absent:** Chairperson Katwyk).

3. ADJOURNMENT OF THE PLANNING COMMISSION

Motion: Commissioner Freeberg moved to adjourn the special meeting of the Brian Head Planning Commission for June 14, 2011. Commissioner Deutschlander seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote:** Vice Chair Phelan, Commissioner Deutschlander, Commissioner Freeberg, Commissioner Hatch, Commissioner Calloway. **Absent:** Chairperson Katwyk).

The special meeting of the Brian Head Planning Commission was adjourned at 2:55 p.m. for June 14, 2011.

Mayor Deutschlander requested the Council amend the agenda to address the Closed Session of the Council to discuss the sale, lease, purchase or exchange of real property since the town attorney and financial advisor are present and have time restrictions.

K. CLOSED SESSION OF THE TOWN COUNCIL TO DISCUSS THE SALE, LEASE OR EXCHANGE OF REAL PROPERTY.

Motion: Council Member Ortler moved to enter into closed session to discuss the sale, lease, purchase or exchange of real property. Council Member Ames seconded the motion.

Action: **Motion carried 5-0-0, roll call vote (summary: Yes = 5, Vote: Mayor Deutschlander, Council Member Fausett, Council Member Ames, Council Member Ortler, Council Member Schwob).**

The Council then entered into closed session at 2:55 p.m.

Motion: Council Member Ortler moved to reconvene the regular meeting of the Brian Head Town Council enter into closed session to discuss the sale, lease, purchase or exchange of real property. Council Member Ames seconded the motion.

Action: **Motion carried 5-0-0, roll call vote (summary: Yes = 5, Vote: Mayor Deutschlander, Council Member Fausett, Council Member Ames, Council Member Ortler, Council Member Schwob).**

Mayor Deutschlander recessed the regular meeting of the Brian Head Town Council for the meeting of the Brian Head Redevelopment Agency at 3:50 p.m. Please see RDA agenda / minutes for details.

***TOWN COUNCIL &
SPECIAL SERVICE DISTRICT JOINT MEETING***

G. CALL TO ORDER THE JOINT MEETING OF THE BRIAN HEAD SPECIAL SERVICE DISTRICT

Mayor Deutschlander reconvened the regular meeting of the Brian Head Town Council and called a special joint meeting with the Brian Head Special Service District to order at 4:05 p.m.

H. APPROVAL OF THE MINUTES:

1. May 24, 2011 Town Council Meeting

Motion: Council Member Ortler moved to approve the minutes of the May 24, 2011 Town Council meeting. Council Member Schwob seconded the motion.

Action: **Motion carried 4-0-1 (summary: Yes = 4 No = 0 Abstain = 1 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Abstained: Council Member Ames who stated she was not present at the meeting).**

2. June 02, 2011 Town Council Special Meeting

Motion: Council Member Ortler moved to approve the minutes from the June 02, 2011 Town Council Special meeting. Council Member Fausett seconded the motion.

Action: **Motion carried 3-0-2 (summary: Yes = 3, No = 0, Abstain = 2 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Ortler. Abstain: Council Member Schwob, Council Member Ames who stated they were not present at the meeting).**

3. April 26, 2011 Special Service District Meeting

Motion: Board Member Ortler moved to approve the minutes of the April 26, 2011 Special Service District meeting. Board Member Ames seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Chairperson Deutschlander, Board Member Fausett, Board Member Schwob, Board Member Ortler, Board Member Ames).**

I. AGENDA ITEMS:

1. SPECIAL SERVICE DISTRICT ACTION: PROPOSED RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT WITH THE TOWN OF BRIAN HEAD, UTAH REGARDING AN AMENDED AND RESTATED WATER RIGHTS LEASE; AND AUTHORIZING A WATER RIGHTS LEASE AGREEMENT WITH ROBERTS BROTHERS DAIRY.

A resolution authorizing an amendment to the interlocal agreement between the SSD and the Town and to authorize the Chairperson to sign a lease agreement with Roberts Brothers Dairy.

Eric Johnson, Town Attorney, gave a brief history of the water rights acquisition and the lease agreement between the town and the Special Service District. Eric explained the Special Service District purchased the water and receives all funds by

leasing the water to the town and a sublease to Robert Brother's Dairy needs to be approved by both the Special Service District and the town (see attached).

Motion: Board Member Ortler moved to adopt Resolution No. SSD-005, a resolution authorizing a first amendment to an interlocal agreement with the Town of Brian Head, Utah regarding an amended and restated water rights lease; and authorizing the Chairperson to sign a water rights lease agreement with Robert Brothers Dairy. Board Member Ames seconded the motion.

Action: **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes:** Chairperson Deutschlander, Board Member Fausett, Board Member Schwob, Board Member Ortler, Board Member Ames).

J. ADJOURNMENT OF THE SPECIAL SERVICE DISTRICT

Motion: Board Member Schwob moved to adjourn the special meeting of the Brian Head Special Service District for June 14, 2011. Board Member Ames seconded the motion.

Action: **Motion carried 5-0-0, (summary: Yes = 5 Vote: Yes:** Chairperson Deutschlander, Board Member Fausett, Board Member Schwob, Board Member Ortler, Board Member Ames).

The special meeting of the Brian Head Special Service District was adjourned at 4:15 p.m. for June 14, 2011.

REGULAR MEETING OF THE BRIAN HEAD TOWN COUNCIL

2. PROPOSED RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT WITH THE TOWN OF BRIAN HEAD, UTAH REGARDING AN AMENDED AND RESTATED WATER RIGHTS LEASE; AND RELATED MATTERS. A resolution amending an interlocal agreement between the town and Special Service District for water right leasing.

Tom Stratton, Public Works Director, gave a brief explanation of the agreement between the town and the Special Service District (SSD). Tom presented a proposed resolution that would authorize the first amendment to the interlocal agreement between the town and the SSD regarding an amended and restated water rights lease (see attached). Tom reported the town has the obligation to show beneficial use of the water that was recently purchase and in doing so has the opportunity to lease the water out.

Motion: Council Member Ames moved to adopt Resolution No. 412, a resolution authorizing a first amendment to an interlocal agreement with the town of Brian Head, Utah regarding an amended and restated water rights lease and related matters. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0, roll call vote (summary: Yes = 5, Vote:** Mayor Deutschlander, Council Member Fausett, Council Member Ames, Council Member Ortler, Council Member Schwob).

Council Member Ortler requested the agenda be amended to allow Agenda Item #6 to be next on the agenda to present their information to the Council. **Consensus of the Council:** Amend the agenda to move Agenda Item #6 as the next agenda item to be reviewed by the Council.

6. CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE PUBLIC SAFETY BUILDING.

A contract for the Construction Manager At Risk for the Public Safety Building Construction.

Bryce Haderlie, Town Manager, updated the Council on the draft contract between the town and Pendleton Building for the public safety building project (see attached draft contract dated June 9, 2011). Bryce explained that once the contract has been signed by the town and Pendleton Building, it is not in effect until the Community Impact Board (CIB) signs off on the agreement.

The Council then reviewed items of concern identified by the town:

1. 7.2.1.1: Reference to expenses allowed in Article 8, last sentence: Costs should be specifically identified in addition to the overhead costs. Mr. Larry Pendleton explained the intent of the sentence is the charge for the

- subcontractor would be the responsibility of the Contractor, since the sub would be working under the Contractor.
2. 8.2.5.1 Wages paid for labor: Clarification is that all the costs for a subcontractor. Staff will clarify the sentence in the final draft of the contract. If Pendleton Building receives a bid on the project, it would be deemed as additional work.
 3. Change Order: The definition of a change order. Change order does not start until after the final plans are approved and does not reflect a credit for a change order. Pendleton Building will receive 5% on all change orders. Council Member Ortler requested Pendleton Building deduct the 5% for a change order from their 15% for profit and overhead of the contract value and come to 10% instead and eliminate the 5% profit for the change orders. Mr. Pendleton reported that any changes would need to be approved by the Council and is over and above the final plans. Staff will make the clarification in the final draft of the contract. The contractor will present all items to be incorporated into the final plans.
 4. Legal will work together to ensure clarification in the final draft of the contract.
 5. 4.6. 4, pg. 19 – Insurance is to be provided by the town. The town's current insurance will identify the project as an additional insurance during the construction of the project. The town's property is insured. Pendleton Building will be responsible for workman's comp. along with their insurance for the project.
 6. 4.7.5 Owners Representative: Bryce Haderlie is identified as the "owner" and still does the inspections on the project. **Consensus of the Council:** The Mayor will be identified as the "owner" for the project in order to prevent a conflict of interest with Bryce completing the inspections and being the owner of the project. If the Mayor runs into a situation regarding the project, the Mayor will then communicate with the rest of the Council and can delegate to another Council Member. Bryce can then conduct the inspections.
 7. If the town cancels the contract due to unforeseen circumstances, what would the town be responsible for? Bryce responded the contract identifies the town would be responsible to pay Pendleton Building 25% of the profit/overhead. Eric responded that before the CIB allows any of the funds to be released into an escrow account, the town would need to have a firm bid in hand to start the process.
 8. Mr. Pendleton proposed that if Pendleton Building saves money on the project, he would like to receive 10% of what the town saves. Pendleton Building will lose 5% on the profit and overhead which is identified at 15%.
 9. Eric reported that if the town should save money by the end of the construction, the town has one of two options: The town could choose to spend the funds on the project or the funds could go to pay the debt service on the bonds. The town cannot spend the funds elsewhere. **Consensus of the Council:** Pendleton Building will receive 10% of the amount saved from the project at the end of the project to reduce the debt of the bond.
 - 10.5.1.4: payment to the subcontractors: The contractor will issue the checks along with lien releases to the subcontractors. They will be joint checks between the subs and supplies.
 11. Mr. Pendleton recommended that verbiage be identified in the advertisement for bid in order to get qualified subs for the project to proceed smoothly. The verbiage for key subs such as HVAC, plumbing, electrical must have the ability to bond. Eric responded that statutorily there needs to be a payment bond and is wise for the town to have a performance bond since the town cannot have a mechanic lien on the project. Eric stated that the town must stand by the performance criteria identified in the bid, and the subs must have the ability to demonstrate they can get a bid bond and meet the minimum requirements in which the town must choose the lowest responsive bid.

Motion: Council Member Ortler moved to authorize the Mayor to sign the Contractor At Risk contract between the Town and Pendleton Building upon the approval of legal review of the town's attorney and the CIB attorney. Council Member Fausett seconded the motion.

Action: **Motion carried 4-0-1, roll call vote (summary: Yes = 4 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler. Abstain: Council Member Ames who stated she abstained because she would like to see the final contract before approving the contract).**

2. INTRODUCTION TO THE PUBLIC HEARING FOR THE AMENDMENT OF THE 2010-2011 TOWN BUDGET. A brief explanation on the 2010-2011 Town Budget being proposed for adoption for the public's benefit.

Bryce Haderlie, Town Manager, briefly explained the purpose for the public hearing is to amend the 2010-2011 Town budget ending June 30, 2011 (see attached budget).

3. PUBLIC HEARING ON THE 2010-2011 BRIAN HEAD TOWN BUDGET ENDING JUNE 30, 2011. To receive public comment on the proposed 2011-2012 Town Budget.

Mayor Deutschlander opened the public hearing for the purpose of receiving public comment on the amendment of the 2010-2011 Town budget at 5:01 p.m.

No comments were made and no written comments were submitted. Mayor Deutschlander closed the public hearing for the amendment of the 2010-2011 Town budget at 5:02 p.m.

Eric Johnson, Town Attorney, was excused from the meeting at 5:02 p.m.

4. PROPOSED ORDINANCE ADOPTING THE 2011-2012 BRIAN HEAD TOWN BUDGET ENDING JUNE 30, 2012. An ordinance adopting the 2011-2012 own Budget ending June 30, 2012.

Cecilia Johnson, Town Treasurer, presented the 2011-2012 Brian Head Town Budget for adoption (see attached). Cecilia explained she has spoken with Cody Deeter, Financial Advisor, regarding the amount for the Steam Engine Meadows Special Improvement District fees the town will be responsible for in the upcoming budget year. Mr. Deeter reported that \$27,358.05 is what the town is obligated for on the eight Steam Engine Meadow lots.

Cecilia reported that all of the changes Council made earlier today during the work session have been implemented into the proposed 2011-2012 budget and is now ready for adoption.

Motion: Council Member Ortler moved to adopt Ordinance No. 11-004, an Ordinance adopting the 2011-2012 Brian Head Town budget ending June 30, 2012, subject to the changes identified by staff. Council Member Ames seconded the motion.

Council Member Ortler requested staff include an article in the next town's newsletter on the 5% reduction of property taxes for Brian Head Town.

Action: **Motion carried 5-0-0, roll call vote: (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).**

5. USDA PARTIAL PAY REQUESTS FOR MAY, 2011. Chet Hovey, Town Engineer. The May, 2011 Partial Pay Requests for USDA for water system improvements.

Chet Hovey, Town Engineer, presented the May, 2011 USDA partial pay requests (see attached).

Bearflat Well Construction Partial Pay Request #2 (see attached) in the amount of \$43,143.77 for the contractor for services rendered on the drilling of the well. Chet reported the contractor is currently at 200' in depth on drilling the well.

Motion: Council Member Ames moved to approve the Bearflat Well Construction Partial Pay Request #2 in the amount of \$43,143.77 as presented. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).**

Administration Partial Pay Request #20 (see attached) in the amount of \$54,116.31 was presented. Chet explained the request is for attorney fees and engineering fees associated with the geology study.

Motion: Council Member Ames moved to approve Administration Partial Pay Request #20 in the amount of \$54,116.31 as presented. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).**

Chet then updated the Council on the progress of the new well house manual which has been approved by USDA and the Division of Drinking Water is currently reviewing the manual. Once approved, the town will be advertising for bids for a two to three week period.

7. PROPOSED ORDINANCE AMENDING THE BRIAN HEAD TOWN BIDDING PROCEDURES.

A proposed ordinance amending the bidding procedures for Brian Head Town.

Bryce Haderlie, Town Manager, presented a draft ordinance amending the town's bidding procedure to include a category for "fast track" projects (see attached).

Motion: Council Member Ortler moved to adopt Ordinance No. 11-005, an ordinance amending the Brian Head Town bidding procedures. Council Member Fausett seconded the motion.

Council Member Ames expressed her concerns regarding the proposed ordinance in that it would be cutting the timeframe down and may not give the public enough time to sufficiently review the bid requirements and the town could end up with a bid that could fail due to the shorten time frame. Council Member Fausett explained the fast track category would not apply to all projects and the Council will have the decision on which projects would be identified as fast track projects.

The new bidding procedure would identify five (5) business days instead of the required 14 days for advertising the bids.

Council reviewed paragraph "A" (last sentence referring to opening the bids. Staff will incorporate the word "business" before "days" to refer to five business days.

Action: **Motion carried 5-0-0, roll call vote: (summary: Yes = 4, No = 1, Abstain = 0 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler. No: Council Member Ames).**

L. ADJOURNMENT

Motion: Council Member Ortler moved to adjourn the regular meeting of the Brian Head Town Council for June 14, 2011. Council Member Ames seconded the motion.

Action: **Motion carried 5-0-0, roll call vote (summary: Yes = 5 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Schwob, Council Member Ortler, Council Member Ames).**

The regular meeting of the Brian Head Town Council was adjourned at 5:25 p.m. for June 14, 2011.

June 28, 2011

Date Approved

Nancy Leigh, Town Clerk/Recorder